

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

PAUL KAY CORONEL

PLAINTIFF

v.

No. 2:05CV120-P-D

SYLVESTER WALKER, et al

DEFENDANTS

**ORDER RECONSIDERING REPORT AND RECOMMENDATION
IN LIGHT OF TIMELY FILED OBJECTIONS**

The court reconsiders, *sua sponte*, the Report and Recommendation of the United States Magistrate Judge in light of the *pro se* prisoner plaintiff's timely filed objections. The plaintiff moved the court on September 18, 2006, for an extension of the September 25, 2006, deadline for filing objections to the Magistrate Judge's Report and Recommendation. The court denied that motion. The plaintiff's objections arrived at the court on September 27, 2006; the objections were signed, however, on September 21, 2006, four days before the deadline. Under the "mailbox rule," the instant *pro se* prisoner pleading is deemed filed on the date the plaintiff delivered it to prison officials for mailing to the district court. *Coleman v. Johnson*, 184 F.3d 398, 401, *reh'g and reh'g en banc denied*, 196 F.3d 1259 (5th Cir. 1999), *cert. denied*, 529 U.S. 1057, 120 S. Ct. 1564, 146 L.Ed.2d 467 (2000) (citing *Spotville v. Cain*, 149 F.3d 374, 376-78 (5th Cir. 1998)). Giving the plaintiff the benefit of the doubt by using the date of his signature, the court finds that the objections are timely, and shall consider them.

SO ORDERED, this the 2nd day of October, 2006.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE